

TOWN OF TRURO
BOARD OF SELECTMEN
MEETING OF TUESDAY, APRIL 3, 2007

The Truro Board of Selectmen met for their weekly session on Tuesday, April 3, 2007 at 6:00 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Gary Palmer, Clerk Christopher R. Lucy, Curtis Hartman, Jan Worthington, Town Administrator Pamela Nolan, Administrative Secretary Julie DuPree, Martha Nagy, Dan Gladkowski, Andrea and Ethan Poulin, Bill Worthington, Rebecca Townsend, Paul Morris, Jeanne Davis, Carol Nickerson, Claire Perry, Jacquelyn Boyd-Emond, Roberta Lema, Sylvia Remmy, Anna Duart, Martha Ingrum, Jo Johnson, Tom Wingard, Bob and Joan Holt, Brenda Boleyn, Brian Davis, John Worthington, Breon Bailey, Philip Miller, Kenneth Oxtoby, Mary Abt, and Nick Brown. Assistant Town Administrator Charleen Greenhalgh absent.

Mr. Gaechter convened the meeting promptly at 6:00 p.m.

Minutes: Mr. Palmer moved to approve the minutes of the regular and Executive Sessions of March 27, 2007, as presented, and to hold the Executive Session minutes in abeyance. Mr. Hartman seconded it. Mr. Lucy clarified that his vote last week opposing the transfer of funds from Stabilization and CIF in order to avoid an override was made in error. He did not oppose the way the override was taken care of. He had intended to oppose the omnibus budget article because he questions that the BOS have not sat down with either the Fire Department or the Police Department to review their budgets. He feels the BOS is neglecting its duty in not doing so. **Vote: 5-0, unanimous.**

Public Comment: Bob Weinstein questioned what had been done regarding the March 5th letter from the Supt. of the CCNS. Ms. Nolan gave the Board an overview of her conversation with Supt. Price, explaining that no action is to be taken at this time. It is a pending case, and it is up to the Planning Board to speak with Town Counsel. Mr. Weinstein told the Board that the non-responsiveness of the BOS to the largest landowner in town is distressing to him. He cited a past case in which Town Counsel was brought in.

Ms. Lema questioned what the small shed at the new Pamet Park was for. Mr. Morris explained that they were using it temporarily as a pump house and electric box. It won't be there much longer.

Ms. Worthington asked to comment on the previous issue. She feels that the BOS need to respond to the letter from Supt. Price. Mr. Hartman agreed. Ms. Worthington said that this issue was not discussed as a Board. Mr. Gaechter recalled asking Ms. Nolan to call the Supt. Mr. Hartman and Ms. Worthington will draft a letter to bring to the BOS. Mr. Gaechter cautioned that they should be careful not to insert themselves unduly; he believes it is a matter between the Planning Board and the CCNS.

Poulin Landscaping property: Mr. Gaechter explained this item is the result of an allegation made by Mr. Martin that the Building Inspector had told him there was a problem at that property. Mr. Wingard said he told Mr. Martin that he would go out and look at the property. The site is different, but it seems to be pretty much in compliance with the agreement. Soil has been removed at one end of the property, but within the limits allowed, and fill has been brought

in. Mr. Gaechter outlined how Mr. Poulin has already remedied an abutter's property line, and what further actions he plans to take. Mr. Lucy asked if there had been any complaint from other abutting property owners. Mr. Wingard said there has not. Mr. Gaechter said the issue should be closed. Mr. Poulin is in compliance.

Town Hall steeple lights: Mr. Gaechter explained what transpired last week, and that it was being brought up again tonight because there were citizens who wanted to be heard on this. Ms. Worthington said that it may be a small issue to some, but it is symbolic of a lot of issues in town. One citizen made this request to turn off the lights that have been on as long as she can remember. They serve as a beacon, a homecoming. Bit by bit things that mean Truro are being taken away. The bells are a part of this. No one can hear them; they have been made so low that the only ones who can hear them are those who don't want to. If the reason for turning the lights off is a policy of energy saving, they must look at every building in town. She asked her colleagues to reconsider this. Many residents spoke in favor of the lights, and several others spoke about the need to conserve energy. After each Selectman commented, **Mr. Gaechter moved to rescind the vote of last week and the direction to the Town Administrator to have the lights turned off at midnight with the proviso that the Energy Committee will look at lighting in all town buildings, and Ms. Nolan with the DPW Director are to look for vendors to improve the lighting to be more efficient and less glaring. Mr. Lucy seconded it. Vote: 5-0, unanimous.**

State of the Schools report: Principal Davis announced that their budget will be 1.56% lower next year. He gave the Board an overview of the areas of service that are required, both core services and related services. He discussed the financial formulas used by the State, as well as other factors that go into compiling the school budget, and the ramifications and challenges caused by these. Mr. Oxtoby touched on the rising enrollment and slight decline in the budget net year. He said that the School Committee tries to keep the budget lean and provide the best educational experience.

Wind Generator Issues: Mr. Worthington reported on the findings of the MTC (Mass Technology Collaborative) on the possibility of placing a wind generator on town property. In every case, the UMASS Renewable Energy Research Lab has said that the pieces of town property did not have the needed distance of 1k feet from the nearest house. They feel their direction should be toward the use of photovoltaic rooftop arrays. Mr. Hartman questioned the payback on those. Mr. Worthington explained that on a home basis, the payout is 15 years, perhaps less. They will also look at ground arrays. They are working on the Mayor's Climate Protection Agreement, which involves doing lots of audits of town buildings. After that is done, they may have to move toward people's houses.

Curb Cut application, Skyline Condominium Association, 122 Shore Road: Mr. Gladkowski explained that they had three curb cuts at one time, now they only have one. They would like to create an over-flow parking lot for guests. While all of the association members agree that they would like this extra parking, none of them want it near their unit, blocking their view; this is like a NIMBY thing. When an abutter recently built a new house, a temporary road

was placed on Skyline property. They are asking permission to use that road as access to the parking area. Mr. Hartman asked if they had considered putting the parking lot where indicated on the plan, but making a driveway to it through their own property. Mr. Gladkowski indicated that was the NIMBY factor again. None of the members wanted the driveway to be adjacent to their unit. Mr. Morris explained that he had disapproved the application because it would add another curb cut, which they try to keep to a minimum, and Skyline could use the existing curb cut and create a driveway on their own property. Mr. Palmer agreed with Mr. Morris. Mr. Gaechter also liked Mr. Hartman's proposal. He noted that with the new house, there would be additional curb cut on a busy road. **Mr. Gaechter moved to deny the request for a curb cut. Mr. Palmer seconded it. Vote: 5-0, unanimous.**

Curb cut application, 22 Hughes Road: Phillip Miller, representing the owners, explained that they are demolishing the present structure and moving the building more to the center of the lot. They want to also move the curb cut more to center. It will be a single wide curb cut with a turn-around area. **Mr. Gaechter moved to authorize the curb cut for 22 Hughes Road. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

Interview of applicant to serve on Shellfish Advisory Committee: Mr. Brown told the Board that he has been shell fishing in Truro for 35 years. He would like to expand the available shell fish areas and the amount of shellfish in these areas. The Mill Pond area is the specific area he has in mind. Mr. Lucy disclosed that he has a financial relationship with Mr. Brown, but it should not affect this appointment. There is no competition for this. There are two more vacancies on this committee. **Mr. Lucy moved to appoint Nick Brown as a full member of the Shellfish Advisory Committee. Mr. Gaechter seconded it. Vote: 5-0, unanimous.**

Animal Control Policy: Ms. Nolan said she had made all of the recommended changes. She noted that the Town Clerk has requested that the BOS change the dog licensing period from April 1st through March 31st to the calendar year. The Board has the authority to do this. Mr. Palmer noted that this policy is practically a bylaw, and asked if they want to do anything this detailed as a policy. Ms. Nolan said that eventually they want this to be a bylaw, but they couldn't get it done in time for ATM this year. With our new Animal Control Officer, there will be enforcement. **Mr. Gaechter moved to approve the Animal Control Policy with the revisions, and with the understanding that it will exist as a policy memorandum to be referred to Town Meeting as a bylaw. Ms. Worthington seconded it. Vote: 5-0, unanimous.**

Ms. Worthington moved to change the licensing of dogs from April 1st through March 31st to January 1st through December 31st effective January 2008. Mr. Gaechter seconded it. Vote: 5-0, unanimous.

Veteran's Memorial: Ms. Nolan reported that they received two submittals for design/construction of the Veteran's Memorial. One was \$10k more than the other, which is more than they have to spend. Mr. Gaechter thought they should move the podium to the side so it doesn't block the monument. He also questioned the use of granite posts and chain; perhaps

something more traditional, like wooden rails, would be more appropriate. He directed that Mr. Morris should look at other options. Ms. Nolan asked the Board to consider whether to demolish the building on the site of the memorial or to allow the public to bid on and take away the carpenter shop. Mr. Morris feels that the building is not stable enough to safely move. Mr. Palmer thought that if it is not safe, they don't want to get involved. Mr. Morris told the Board that if he thought it was moveable, he would have moved it for town use. **Mr. Palmer moved to demolish the building as soon as the carpenter shop is relocated. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

Town Administrator's Report: (action items)

- Explained that the CCNS has approved the Golf Course fees. The fees did not go before the BOS first, because she had placed the request with all of the other fee material to be discussed with the FinCom at future meeting.
- Comcast has sent information to oppose the MA franchising bill. Mr. Hartman explained that he was opposed to sending a letter of support for Comcast because they want Verizon to enter the mix, but they should not send a letter of support for Verizon either. He would like explore sending a different letter. The Board will revisit this issue next week.

Mr. Palmer moved to approve the Golf Course fees as submitted. Mr. Hartman seconded it. Vote: 5-0, unanimous.

- Reported that the BOS meeting was broadcast early last Sunday because it was over two hours in length; they must begin early when it is longer than two hours. Mr. Lucy stressed the need to broadcast at a regular time so people can view the entire show. Mr. Gaechter suggested that Ms. Nolan explore with the studio in Orleans if they can start it one half hour early every Sunday, so it is consistent. Mr. Gaechter asked how they could get an attractive lead-in like Wellfleet has. Ms. Nolan said that they already know what is required; it is a matter of training the Videographer. She and Mr. Delius will work on getting this accomplished.
- Reported that the Tercentennial Celebration Committee has sent a letter to Ms. Charette removing her from the Committee because she has not attended any meetings since being appointed.

Next week's agenda: Recreation Commission with plans for the old burn dump, Rental Registration fee.

Selectmen/liaison reports: There were no reports that required action.

Other business: Mr. Gaechter noted that this issue was scheduled for Executive Session, but he would like to take it up in open session if they can legally act on something that was not on the agenda for open session. Ms. Nolan assured him that Town Counsel advised they can do this. Mr. Gaechter reported that several law suits with Barbara Cordi-Allen vs. the ZBA have all been resolved in favor of the town. He feels that when suits are frivolous that they should go after the people who have brought them for court costs. **Mr. Gaechter moved to authorize Town Counsel, through the Town Administrator, to file on behalf of the town a suit to recover the**

costs associated with frivolous lawsuits in regard to these actions. Mr. Hartman seconded it. Vote: 5-0, unanimous.

With no further business, Mr. Gaechter moved to adjourn. Mr. Palmer seconded it. Vote: 5-0, unanimous.

The meeting was adjourned at 8:45 p.m.

Alfred Gaechter, Chairman

Gary Palmer, Vice-Chairman

Christopher R. Lucy, Clerk

Curtis Hartman

Janet W. Worthington

Board of Selectmen
Town of Truro